In the Supreme Court of the United States.

OCTOBER TERM, 1920.

JOHN E. KINNANE, UNITED STATES ATTORNEY for the Eastern District of Michigan, Appellant,
v.
DETROIT CREAMERY COMPANY ET AL. } No. 376.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF MICHIGAN.

BRIEF FOR APPELLANT.

This is an appeal by the United States from a decree of the District Court enjoining a United States district attorney from prosecuting the appellees on the charge of violating section 2 of the act of October 22, 1919 (41 Stat., 1st sess., c. 80, p. 297), which makes it unlawful for any person "to make any unjust or unreasonable rate or charge in handling or dealing in or with any necessaries." The injunction was granted upon the ground that the section of the act in question was unconstitutional.

The questions presented by the appeal are identical with those presented in the cases of *United States* v. *L. Cohen Grocery Company*, No. 324; *Harry A. Tedrow*

v. *A. T. Lewis & Son Dry Goods Company*, No. 357; and *R. E. Kennington* v. *A. Mitchell Palmer*, No. 367, which will be heard and considered by the court contemporaneously with this case. The Government's argument in support of the constitutionality of the law has been fully set out in the briefs filed in those cases, which are now referred to, and need not be repeated.

Respectfully submitted.

WILLIAM L. FRIERSON,
Solicitor General.

SEPTEMBER, 1920.

○